

DEPARTMENT OF HEALTH PROFESSIONS - DIRECTIVES

DIRECTIVE NO.: 7.3

EFFECTIVE: 7-1-06

SUPERSEDES 7-1-04

APPROVAL: _____

7.3 Custodians of Records

Purpose: To ensure agency compliance with § 2.2-3700 et seq. and § 42.1-76 of the *Code of Virginia* which set forth requirements for the Virginia Freedom of Information Act and the Virginia Public Records Act.

Policy: To delegate authority and designate responsible staff for the purpose of compliance with law and appropriate records management.

Procedure: Agency Records Manager - The agency Deputy Director for Administration is designated as the Records Officer of the Department of Health Professions in accordance with § 42.1-76 of the *Code of Virginia*. As such, he is responsible for implementing a records management program.

Custodians of Records - The following individuals are designated as custodians of records for the purpose of records management as established by the agency's records manager and responding to requests under § 2.2-3704 of the Virginia Freedom of Information Act.

| <u>Custodian</u> | <u>Records</u> |
|---|---|
| Executive Director for the Boards of Health Professions, Veterinary Medicine, and Optometry (Position #00003) | All records associated with the Boards of Health Professions, Optometry, and Veterinary Medicine |
| Executive Director for the Behavioral Science Boards (Position #00068) | All records associated with the Boards of Psychology, Social Work, and Counseling |
| Executive Director for the Boards of Funeral Directors and Embalmers, Physical Therapy, and Audiology and Speech-Language Pathology (Position #00007) | All records associated with the Board of Funeral Directors & Embalmers, Physical Therapy, and Audiology and Speech Language Pathology |

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Executive Director for the
Board of Dentistry and
Long Term Care Administrators
(Position #00006)

All records associated with the
Board of Dentistry and Long Term Care
Administrators

Deputy Director for Administration
(#00061)

All fiscal records not part of an application
or licensee record

Human Resource Director
(#00027)

All personnel records, time sheets, & leave
records

Director of Enforcement
(Position #00106)

All administrative records associated with
management of investigations and reports of
investigations prior to being filed with the
appropriate board. All reports of unlicensed
activity shall remain with this custodian or
sent to the custodian of the applicable board.
All administrative records associated with
management of the inspections division and
reports of inspections, audits and
investigations prior to being filed with a
Board

Senior Policy Analyst
(Position #00157)

All records of the Agency Regulatory
Coordinator and all studies

Executive Director for the
Board of Pharmacy
(Position #00005)

All records associated with the Board of
Pharmacy

Executive Director for the
Board of Nursing
(Position #00009)

All records associated with the Board of
Nursing

Executive Director for the
Board of Medicine
(Position #00076)

All records associated with the Board of
Medicine

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Director of Information Technology
(Position #00140)

All records not associated with a regulatory board, with information technology and not otherwise specified in this directive

Director
(Position #00001)

All records associated with the Director's Office and not otherwise specified in this Directive

Director of Administrative
Proceedings
(Position #00031)

All records associated with the Administrative Proceedings Division and not otherwise specified in this Directive

Program Manager
Health Practitioners' Intervention Program
(Position # 00228)

All records associated with the Health Practitioners' Intervention Program

Program Manager
Prescription Monitoring Program
(Position #00164)

All records associated with the Prescription Monitoring Program

Successors to any of the positions specified in this Directive shall assume responsibility for records relative to such succession.

**CERTIFICATION OF DUPLICATION OF OFFICIAL RECORD
SECTION 54.1-112, CODE OF VIRGINIA (1950), AS AMENDED**

I, *name of executive director*, Executive Director of the Virginia Board of *name of board*, hereby certify that I have custody of the records and that said files are official records of the Virginia Board of *name of board*. I certify that the attached information and my signature are true.

name of executive director

Date

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Subscribed and sworn to before me, a Notary Public in and for the county of Henrico, this _____ day of _____, 2006, by *name of executive director*

Notary Public

My commission expires: _____

I, Robert A. Nebiker, Director, Department of Health Professions, hereby certify that I am the person to whom *name of executive director* reports and that the attached document is a true copy of the record of the Virginia Board of *name of board*.

Robert A. Nebiker

Date

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Subscribed and sworn to before me, a Notary Public in and for the county of Henrico, this _____ day of _____, 2006, by Robert A. Nebiker.

Notary Public

My commission expires: _____

THE VIRGINIA BOARD OF [NAME]

IN RE: [licensee name]

AFFIDAVIT

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO, to wit:

Name of board executive, being duly sworn, states as follows:

1. I am the Executive Director and the custodian of the records of the Virginia Board of *name of board* ("Board").

2. A search of the records of the Board, regarding *name of licensee, number of license, certification, or registration*, revealed that on *date*, *last name of licensee's* address of record was *full address*.

3. Attached to my Affidavit are copies of the following Board documents: *(list documents in chronological order, e.g., Consent Order entered on October 10, 1999; or Notice of Informal Conference held on February 4, 2004)*.

Declared this _____ day of *month, year*, in Henrico County, Virginia.

Name of board executive
Executive Director

Sworn and subscribed to me, _____, on this _____ day of *month, year* by *name of board executive*

Notary Public

My commission expires: _____

THE VIRGINIA BOARD OF [NAME]

IN RE: [licensee name]

AFFIDAVIT

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO, to wit:

Name of board executive, being duly sworn, states as follows:

1. I am the Executive Director and the custodian of the records of the Virginia Board of *name of board*.

2. A search of the records of the Board, regarding *full name* revealed that there is no person is *licensed, certified or registered* by the Virginia Board of *name of board*.

Declared this _____ day of *month, year*, in Henrico County, Virginia.

Name of board executive
Executive Director

Sworn and subscribed to me, _____, on this _____ day of *month, year* by *name of board executive*

Notary Public

My commission expires: _____

THE VIRGINIA BOARD OF [NAME]

IN RE: [licensee name]

AFFIDAVIT

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO, to wit:

Name of board executive, being duly sworn, states as follows:

1. I am the Executive Director and the custodian of the records of the Virginia Board of *name of board* (“Board”).

2. A search of the records of the Board for a person using the identifier *full name* and *license, certificate or registration* number revealed the following:

Full name holds a current, active *license, certificate or registration* to practice as a *profession* which expires *expiration date*.

Full name was originally issued a license to practice *profession* in the Commonwealth of Virginia on *date*.

Other pertinent licensing information should be added, such as:
The license of *Full name*, lapsed on *date* and was reinstated on *date*.

Declared this _____ day of *month, year*, in Henrico County, Virginia.

Name of board executive
Executive Director

Sworn and subscribed to me, _____, on this _____ day of *month, year* by *name of board executive*

Notary Public

My commission expires: _____